

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
Plaintiff, ) 8:15CR303  
vs. )  
DONALD HANDY and )  
BLAKE NEWCOMB, )  
Defendants. ) ORDER

This matter is before the court on the motion to continue by defendant Donald Handy (Handy) (Filing No. 32). Handy seeks a continuance of the trial scheduled for December 14, 2015. Handy has filed an affidavit in accordance with paragraph 9 of the progression order whereby Handy consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 33). Handy's counsel represents that government's counsel and counsel for co-defendant Newcomb have no objection to the motion. Upon consideration, the motion will be granted.

**Trial will be continued as to both defendants.**

**IT IS ORDERED:**

1. Handy's motion to continue trial (Filing No. 32) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **January 25, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 25, 2015, and January 25, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 25th day of November, 2015.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge